

**ENTERED**

April 18, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

INA BEALL,

Plaintiff,

VS.

CITY OF HOUSTON and  
RENE CALDERON,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Case No. 4:22-CV-00979

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the March 29, 2024, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Peter Bray. (Dkt. No. 51). Judge Bray made findings and conclusions and recommended that the City of Houston’s Motion to Dismiss, (Dkt. No. 46), and Sgt. Rene Calderon’s Motion to Dismiss, (Dkt. No. 47), be granted and that Plaintiff’s claims be dismissed with prejudice. (Dkt. No. 51).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On April 15, 2024, Plaintiff filed an objection to the M&R. (Dkt. No. 52). Although Plaintiff did not state the legal basis for her objection, the Court understands that Plaintiff generally disagrees with the M&R.

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in

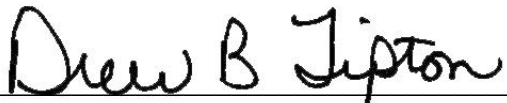
part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Judge Bray's M&R (Dkt. No. 51) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court;
- (2) The City of Houston's Motion to Dismiss, (Dkt. No. 46), is **GRANTED**;
- (3) Sgt. Rene Calderon's Motion to Dismiss, (Dkt. No. 47), is **GRANTED**; and
- (4) Plaintiff's claims are **DISMISSED WITH PREJUDICE**.

It is SO ORDERED.

Signed on April 18, 2024.

  
\_\_\_\_\_  
DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE